

UNITED STATES OF AMERICA.

v.

Civil Action No.

**CONEXANT SYSTEMS INC.,
ROCKWELL INTERNATIONAL
CORP.,**

Defendants.

Plaintiff, the United States of America, by and through the undersigned attorneys,
by authority of the Attorney General and at the request of the Administrator of the United States
Environmental Protection Agency (hereinafter “EPA”), alleges as follows:

1. This is a civil action initiated pursuant to Sections 107 and 113 of the Comprehensive Environmental Response, Compensation and Liability Act, ("CERCLA") 42 U.S.C. §§ 9607 and 9613, as amended, for reimbursement of response costs incurred by the United States in response to the release or threatened release of hazardous substances at the Recticon/Allied Steel Site in Parkerford, Pennsylvania ("the Site").

2. This Court has jurisdiction over the subject matter of this action pursuant to

Sections 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(b) and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper in this judicial district pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b) and 28 U.S.C. § 1391(b) because the claims arose and the threatened and actual releases of hazardous substances occurred in this district.

DEFENDANTS

4. Rockwell International Corporation ("Rockwell") is California Corporation whose former subsidiary, Recticon Corporation ("Recticon") was at all relevant times doing business in this judicial district.

5. Conexant Systems Inc. ("Conexant") is a Delaware Corporation which assumed liability for litigation involving Rockwell's semiconductor business, including Recticon's environmental liability associated with the Site.

GENERAL ALLEGATIONS

6. The Site consists of two properties, the Recticon and Allied Steel properties, located in Parkerford, an unincorporated village within East Coventry Township, Chester County, Pennsylvania.

7. The two properties occupy approximately 4.7 acres and lie across the street from each other on the approximate east and west corners of the intersection of Route 724 and Wells Road in Parkerford, Pennsylvania. (See Exhibit A).

8. From 1974 until 1981, Rockwell's subsidiary Recticon leased an approximate 1.8 acre portion of the Site (the "Recticon Property"). During this time, Recticon manufactured silicon wafers on the Recticon Property.

9. At all relevant times, Recticon was a subsidiary of Rockwell.

10. During all relevant times, Rockwell was involved in all significant aspects of Recticon's operations to such an extent that Rockwell was an operator of the Site.

11. As a result of Recticon's operations, the Site became contaminated with hazardous substances, including but not limited to trichloroethene ("TCE") and cis-1,2-dichloroethene ("DCE").

12. Since the early-1980s EPA has conducted various "response" activities, as defined in Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), in response to the release or threat of release of hazardous substances at the Site.

13. In 1989, the Site was placed on the National Priorities List ("NPL") after the discovery that soils, sediments, and groundwater at the Site were contaminated by, inorganic compounds, volatile organic compounds ("VOCs"), including TCE and DCE, and various metals, such as arsenic, beryllium, copper, and zinc.

14. As a result of releases or threatened releases of hazardous substances into the environment at the Site, the United States has incurred response costs as defined in Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), and authorized by Section 104 of CERCLA, 42 U.S.C. § 9604, to respond to the release or threatened release of hazardous substances at the Site.

15. The response costs were incurred by the United States in a manner not inconsistent with the National Contingency Plan, 40 C.F.R. Part 300, promulgated under Section 105 of CERCLA, 42 U.S.C. § 9605.

16. As of November 2005, the United States had incurred approximately \$985,000 in unreimbursed response costs, including interest, to address the release and threat of

release of hazardous substances at the Site.

CLAIM FOR RELIEF

17. The allegations of Paragraphs 1-16 are realleged and incorporated herein by reference.

18. The substances identified in Paragraph 13 are listed as hazardous substances at 40 C.F.R. Part 302, Table 302.4, and are, therefore “hazardous substances” as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

19. Each Defendant is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601 (21).

20. The Site is a “facility” within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

21. There has been an actual release or threatened release of hazardous substances, as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), into the environment at and from the Site within the meaning of Sections 101(22) and 107(a) of CERCLA, 42 U.S.C. § 9601(22) and 9607(a).

22. The actions taken by the United States in connection with the Site constitute “response” actions within the meaning of Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

23. Defendant Rockwell is liable as a past owner or operator of the Site within the meaning of Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(1).

24. Defendant Conexant assumed Recticon’s liability as a past owner or operator of the Site within the meaning of Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(1).

PRAYER FOR RELIEF

WHEREFORE, the United States prays that this Court:

1. Enter judgment in favor of the United States and against Rockwell and Conexant for costs incurred by the United States for the previously identified response actions related to the Site, to the extent not otherwise reimbursed, including prejudgment interest;
2. Enter a declaratory judgment as to defendants' liability that will be binding in future actions to recover further response costs connected with the cleanup and response actions at the Site;
3. Award the United States its costs of this action; and,
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated _____

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